

U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 7, 2014

By Electronic Mail

Hon. Katherine B. Forrest
United States District Judge
500 Pearl Street, Room 1950
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: **JUL 08 2014**

**Re: United States v. Ross William Ulbricht
14 Cr. 68 (KBF)**

Dear Judge Forrest,

As ordered by the Court at the status conference on June 27, 2014, the Government and defense counsel respectfully submit this joint letter to provide an update to the Court regarding the defendant's access to electronic discovery materials inside the Metropolitan Detention Center ("MDC").

Based on unexpected circumstances, Mr. Ulbricht was not informed by counsel regarding the extended hours to which he is now permitted to review discovery until earlier today, and, as a result, did not seek to review discovery beyond 11:00 a.m. each day that he performed a review, and did not request access during the weekend.¹ As a result, Mr. Ulbricht has claimed to have received access to those materials on the following dates and during the following times:

Monday, June 30, 2014:	8:30 a.m. to 11:00 a.m.
Tuesday, July 1, 2014:	8:40 a.m. to 11:00 a.m.
Wednesday, July 2, 2014:	10:20 a.m. to 11:00 a.m. ²
Thursday, July 3, 2014:	9:10 a.m. to 11:00 a.m.

¹ The Government has been informed that Mr. Dratel was unexpectedly in the hospital last week, while Ms. Lewis was out of the office.

² According to MDC records, Mr. Ulbricht left his unit at approximately 9:30 a.m. However, Mr. Ulbricht claims that he was not able to begin his review until approximately 10:20 a.m. that day. Mr. Ulbricht claims, through counsel, that he lost the intervening time because of delays in transporting him from his unit to the visiting area and in providing him with his laptop once he had arrived there.

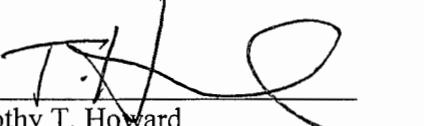
On Friday, July 4, 2014, Mr. Ulbricht claims that he requested access to the discovery materials in the visiting room, but was denied access. MDC counsel, who was informed earlier today of the access issues on July 4th, is investigating Mr. Ulbricht's denial of access on that date, but believes that access issues may be attributed to limited staffing on the federal holiday.

Ms. Lewis, after informing Mr. Ulbricht of the extended hours earlier today, has raised several additional issues, which have been communicated by the Government to MDC counsel. First, according to Ms. Lewis, a correctional officer assigned to the visiting room was not aware of the extended hours that Mr. Ulbricht is permitted to access the materials. The Government has spoken to Mr. Kenneth Bork, Esq., an attorney with the MDC, who has committed to re-notifying correctional officers with responsibility for Mr. Ulbricht's unit, as well as the correctional officers responsible for the visiting room, regarding the extended hours that Mr. Ulbricht will be allowed access to these discovery materials, both orally and in writing. Second, defense counsel raised concerns today regarding Mr. Ulbricht's access to meals while reviewing electronic discovery materials in the visiting room. Specifically, under the current accommodation, Mr. Ulbricht is not allowed to return to the visiting room once he has completed his review for the day, which creates an issue with leaving for meals. MDC counsel was informed of this issue today by the Government, and has represented that they will work to find an accommodation for Mr. Ulbricht with respect to this issue.

The parties propose submitting a status letter next Monday, July 14, 2014, to update the Court regarding Mr. Ulbricht's access to electronic discovery materials in the visiting room, and regarding MDC's efforts to accommodate Mr. Ulbricht's access to meals while maintaining his ability to have access to the discovery materials.

Respectfully yours,

PREET BHARARA
United States Attorney

By: 
Timothy T. Howard
Assistant United States Attorney
(202) 637-2308

Cc: Joshua Dratel, Esq. (by electronic mail)
Lindsay Lewis, Esq. (by electronic mail)
Nicole McFarland, Esq. (by electronic mail)
Kenneth Bork, Esq. (by electronic mail)

Ordered
Post to locker.

15 T. J.
7/8/14 2014